

MAR 18 1982

BRUCE RIFKIN, Clerk
By _____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE:)
)
AMENDMENTS TO) GENERAL ORDER
LOCAL MAGISTRATES RULES)
("MRs"))
)
)

The local Magistrates' Rule 12 ("MR 12") of this Court
is hereby amended to read as follows:

MR 12

Appeals to District Judge

(a) From Judgment in Criminal Case

(1) Perfecting Appeal

An appeal from a judgment of conviction by a
magistrate to a judge of the district court shall
be taken within 10 days after entry of the
judgment. An appeal shall be taken by filing with
the clerk of the district court a statement specify-
ing the judgment from which an appeal is taken, and
by serving a copy of the statement upon the United
States Attorney, personally or by mail, and by filing
a copy with the magistrate.

(2) Transcript or Recording of Proceeding Before
Magistrate

Where the proceedings before a magistrate were tape
recorded, that recording will be available for review
by the district judge, without further action by the
parties. Where either party wishes to have a trans-
cript made from that recording, or where the pro-
ceedings were attended by a court reporter, the

parties shall be responsible for arranging for and paying the cost of the preparation of the transcript. A party who qualifies may obtain authorization for the transcript pursuant to the Criminal Justice Act, 18 U.S.C. §3006A. Counsel for appellant shall arrange to have such transcript filed within 21 days after the Notice of Appeal is filed; but upon motion made within such time, the district judge may extend the deadlines for transcript and briefs.

(3) Other Record on Appeal

All documents filed and exhibits presented in the proceedings before the Magistrate shall be part of the record on appeal, without specific designation by the parties.

(4) Briefs

Appellant shall file and serve his brief within 28 days after filing the Notice of Appeal. Appellee shall file and serve his brief in response within 14 days thereafter. Appellant may file and serve a reply brief within 7 days thereafter. If appellant is representing himself, he may file a short statement of the issues for the court to consider on appeal, instead of a formal brief.

(5) Oral Argument

The district judge shall have discretion whether to schedule oral argument on an appeal. Any party may file and serve a written request for oral argument not later than the deadline for the filing of his initial brief.

(b) From Judgment in Civil Case, Tried Pursuant to 28 U.S.C. §636(c)

(See Rule MR 13(f))

(c) From Other Orders

(See also Rules MR 3(b) and 4(c))

Rulings, orders or other actions by a magistrate in this district, review of which is not otherwise specifically provided for by law or these rules shall, nevertheless, be subject to review by the district court as follows:

Any party may file and serve, not later than 10 days thereafter, an application for a review of the magistrate's action by the district judge having jurisdiction. Copies of such application shall be served promptly upon the other parties, the district judge, and the magistrate.

1 After conducting whatever further proceedings as he
2 or she deems appropriate, the district judge may adopt or
3 reject, in whole or in part, the action taken by the
magistrate, or take such other action as he or she deems
appropriate.

4 This amendment shall be effective immediately upon
5 the filing of this Order.

6 DATED this 17th day of March 1982.

7 Walter T. McEwen
8 Chief United States District Judge

9 James S. Tamm
10 United States District Judge

11 Julius E. Tamm
12 United States District Judge

13 Barbara Hottel
14 United States District Judge

15 W. C. C.
16 United States District Judge